On 4/17/18, 05:46, "Lutz Donnerhacke" wrote:

The GDRP issue is not new. Please let me reiterate my earlier proposal:

- Acknowledge the fact, that legal systems do differ in different parts of the world.

- Accept the fact, that legal systems evolve (rather quickly), so any solution may be invalidated at any unforeseen time.

- Therefore: Do not collect or store data at points where the data was not generated. This solves the problem of transferring personal data from one jurisdiction to another.

- Try to find out, which use cases are really existent. Which data should be available and for whom. Be honest.

- Whois does offer a redirection scheme: A whois server can respond with partial information and point to a different server to get more information. Favour an ultra-thin whois:
    + Every response contains only the information about the contract local to the queried server.
    + Start always at whois.iana.org (which is already implementing such a thin whois there).
    + Do not stop at the registry level. The registry should respond with the contract details and a referral to the accredited registrar, who was registering the object.
    + Include registrar level whois into the Registrar Accreditation Agreement. Allow sub delegation to resellers for whois data. In the case of sub delegation, the whois response at registrar level should contain the reselling contract details and the referral to the reseller-whois.
    + If the reseller or the registrar is unable to run the whois service according to the ICANN enforced Service Level Agreements, they have to use the upper level whois and clear all the legal issues themselves.

- Now back to the Law Enforcement Agencies and their private operated surroundings:
    + They have to follow the whois referral tree down to the registrar/reseller whois.

+ It's likely, that they will not have access to the data, they want, if they are querying from a foreign country.

+ So they do have to use the legal ways to ask the LEA in the destination country.

- In order to ease access procedures, all contract based referral data should not be hidden. This might be part of the contracts.

- End customer data should be handled according to the local law.